

THE UTTARAKHAND ROAD INFRASTRUCTURE PROTECTION ACT, 2014 (ACT No. 15 of 2014)

An Act

- to provide for prevention of misuse, damage, unauthorized use and encroachment of Road Infrastructure.

Controlled Area

- The Government may declare any length or the whole of any road to be a "schedule road"
- The area upto a **Horizontal Distance of 5.00 meters** as prescribed from the edge of the road-land on either of such scheduled road to be a "controlled area."

Road infrastructure

- The roads, paths and streets for transport or communication and shall include :-
 - acquired road land width;
 - all types of roads, bridges and their ancillary structure.

Road Infrastructure Map

The Map shall be :-

- Prepared by Executive Engineer on a scale of **1:500** showing important landmarks fixed by the Revenue Department including control lines along the road infrastructure.
- Used as reference **for identification and demarcation** of the road infrastructure & for **removal of encroachments**.
- **Approved by the Chief Engineer in-charge of the Zone .**
- known as 'road infrastructure map' of a division.

Prescribed Authority

- Any authority not below the rank of **Junior Engineer** of Uttarakhand P W D .
- To ensure that no prohibited activities occurs within his jurisdiction.
- On noting the occurrence of any prohibited activity, shall issue an order directing the defaulter to stop forthwith the prohibited activity & where necessary, order the restoration of status quo of the road infrastructure.
- Order shall clearly describe in writing, the prohibited activity and also indicated by way of sketch, the location & the damage already caused or being caused.
- In the event of failure to comply with any direction or order passed, steps shall be taken to restore the status quo at the risk and cost of the defaulter, in addition to the restoration cost to be imposed.

Confirmatory Authority

- Any authority not below the rank of **Executive Engineer** of Uttarakhand P W D.
- The Confirmatory Authority shall, after giving a reasonable opportunity to be heard, thereafter shall pass a self speaking and reasoned order , within a period of 30 days.

Appellate Authority

- **Chief Engineer in-charge of the zone** of Uttarakhand P W D.
- The appellate authority shall, within 30 days of the filing of the appeal, pass an order confirming or setting aside the order passed by the confirmatory authority.

Revisional Authority

- **Secretary (Public Works Department)** to the Government of Uttarakhand.
- The Revisional authority shall, after giving a reasonable opportunity to be heard, pass an order confirming or setting aside the order of the Appellate authority, within 30 day.

Consumption of Facilities

- The facilities shall be provided by the department as a deposit work for the beneficiary.

Facilities	Permission
an approach to private property from the road infrastructure;	Executive Engineer
laying of service such as pipeline, sewerage line, electrical cables, telephone cables etc. either along or across the road or bridge;	Executive Engineer
mining activities within 50 metres from either side of existing road or 500 metres upstream or downstream of a bridge;	Executive Engineer
carrying out any private or commercial activity within the acquired and controlled area;	Executive Engineer
display of hoardings within the acquired and controlled area;	Executive Engineer
installation of hand pumps within the acquired and controlled area;	Executive Engineer
parking of accidental vehicles/machinery on the road upto 48 hours; and	Junior Engineer
temporary stacking of materials/goods on the road for a period not exceeding 48 hours,	Junior Engineer

Offence & Penalty

No person shall –

- encroach upon the Government land under road infrastructure;
- raise any permanent, temporary or movable structure on or from road infrastructure;
- misuse a road by erecting workshop and carrying out commercial activity including tethering of livestock in road infrastructure;
- block/damage roadside drain and cross drainage system;
- divert sillage /muck from private properties to the road;
- stack/throw excavated earth/debris on roads and unauthorisedly stack material on roads;
- dig/damage road infrastructure without permission from competent authority;
- un-authorisedly install hand pumps and petrol pumps;
- damage/deface bridges, road over bridges, flyovers and under-passes including approaches, tunnels and their ancillary structures.
- park accidental or condemned or serviceable or unserviceable vehicles or goods/machinery on the road.
- damage/uproot roadside plantation, nurseries, hedges and other landscape items
- un-authorisedly display of hoardings and erect welcome gates arches etc;
- commit an act prohibited under the UTTARACHAL Prevention of Defacement of Public Property Act, 2003;
- commit any act of omission or commission that may be notified by the Government under this section as injurious to the road infrastructures;
- damage road infrastructure due to mining in the area;
- erect or construct any structure in the controlled area.

Penalties-

Prohibited Activities (Offence)	Penalty
Stack/throw excavated earth/debri on roads.	An amount @ one thousand rupees per cubic meter or part thereof per day in respect of excavated earth/debris .
unauthorisedly stack material on roads.	An amount @ Two thousand rupees per truck load or part thereof per day in respect to stacked material.
un-authorisedly display of hoardings;	An amount @ one Thousand rupees per square meter per week till the time such act continues.
un-authorisedly erect welcome gates, arches etc;	An amount @ five hundred rupees per running meter of the erection per day till the time the act continues.
Impound vehicles/machinery/goods abandoned on road infrastructure.	In addition to the cost of removal, impose a penalty which may extend upto Twenty Thousand Rupees but shall not less than Five Thousand Rupees for the period during which the vehicles / machinery / goods remain in the custody.

- An amount which shall be five times cost of restoration/ removal;
- Cost of removal/restoration shall be determined as per the current schedule of rates of Uttarakhand Public Works Department.
- Any person who commits any act prohibited under section 3 or fails to perform their duties assigned under section 5 of this Act shall be punished with imprisonment of either description for a term which may extend to two years or fine, or with both.

Power to be confer to the bodies

- The Government may, by notification, in the Official Gazette, empower officer of Municipal Corporation, Municipalities, Nagar Panchayats and Development Authorities within the State of UTTARAKHAND to exercise such powers and perform such functions, as may be specified in the notification under this Act, in respect of road infrastructure within their jurisdiction.